

Suffolk Jcs. At his Majesty's Superior Court of Judicature, Court
of Assize and General Goal delivery, begun and held
at Boston, within and for the County of Suffolk on
the second Tuesday of March, in the tenth year of
the Reign of George the third, by the Grace of God
of Great Britain, France and Ireland King de-
fender of the Faith &c. —

The Jurors for the said Lord the King upon their oath
present that Thomas Preston Esq. William Wemms
Labourer, James Hartegen, Labourer, William M. Cauley
Labourer, Hugh White Labourer, Mathew Killroy Labourer,
William Warren Labourer, John Carroll Labourer &
Hugh Montgomery Labourer, all now resident in
Boston in the County of Suffolk, not having the fear
of God before their eyes, but being moved and seduced
by the instigation of the devil, and their own wicked
Hearts, did on the fifth day of this instant month at
Boston aforesaid within the County aforesaid, with force
and arms, feloniously, wilfully and of their malice afore-
thought, assault one James Caldwell, then and there
being in the peace of God and of the said Lord the King
and that the said John Carroll a certain hand Gun
of the value of twenty shillings which he the said John
Carroll — then and there held in both his hands charged
& loaded with Gun-powder, and two leaden Bullets, then
and there feloniously, wilfully, and of his malice
aforethought, did shoot, and discharge, at and
against the said James Caldwell, and that the said
John Carroll, with the two leaden Bullets aforesaid out of
the said hand-Gun, then and there, by force of the said
Gun powder so shot, and discharged as aforesaid did
then and there feloniously, wilfully and of his malice
aforethought, strike, penetrate, and wound the said
James Caldwell in ^{upon} the back parts of the Trunk of the Body
of him the said James Caldwell; by means whereof the said
John Carroll, did then & there, feloniously, wilfully & of
his malice aforethought, give to the said James Caldwell
in & upon the back parts of the Body of him the said James
Caldwell, two mortal Wounds, each six Inches in Depth, & one
Inch in Width; of which said two mortal Wounds the said
James Caldwell then & there instantly died; and that the
aforesaid Thomas Preston, William Wemms, James Hartegen,
William M. Cauley, Hugh White, Mathew Killroy, William
Warren, & Hugh Montgomery were, then & there, feloniously
wilfully

wilfully & of their Malice aforethought, present, aiding, helping, abetting, assisting, comforting & maintaining the said John Carroll to do & commit the Murder & Felony aforesaid. And so the Jurors aforesaid, upon their Oath aforesaid do say, that the said Thomas Preston, William Wierms James Hartegen, William McCauley, Hugh White, Matthew Killroy, William Warren, John Carroll & Hugh Montgomery, then & there, feloniously wilfully & of their Malice aforethought, in manner & by the means aforesaid, did kill & murder the said James Caldwell, against the peace of the said Lord the King, his Crown and Dignity.

J. M. W. Atty pro D. Rege.

This is a true Bill

W. Taylor Foreman.

in Aug^r. Term 1770

The said Thomas Preston, Will^m Wierms James Hartegan, William McCauley, Hugh White, Matthew Killroy, William Warren, John Carroll & Hugh Montgomery are brought and set to the Barr and arraigned, and upon their arraignment severally plead not guilty, and for Trial put themselves upon God and The Country —
att Sam^l Winthrop

*Indictment of James Caldwell
for Murder of J. Carroll
at Boston Nov.*